

REMARKS

By this Amendment, the specification is replaced, claims 1-3 and 5-8 are amended, and claims 4 and 9 are canceled. Accordingly, claims 1-3 and 5-8 are pending in this application. No new matter is presented in this Amendment. Favorable reconsideration and prompt allowance of claim 1-3 and 5-8 are earnestly solicited.

The Patent and Trademark Office (PTO) objects to the disclosure for informalities and requests a substitute specification in compliance with 37 CFR 1.52(a) and (b). The objection is obviated by the substituted specification. Accordingly, withdrawal of the objection to the disclosure is respectfully requested. No new matter is presented.

The PTO objects to claims 2-9 because of informalities, specifically, the presence of non-idiomatic English. Applicant amends claims 2-3 and 5-8 to obviate the objection thereto. The cancellation of claims 4 and 9 render the objections to these claims moot. Accordingly, withdrawal of the objection to claims 2-9 is respectfully requested.

The PTO rejects claims 1-9 variously under 35 U.S.C. §103(a) over U.S. Patent No. 6,076,168 issued to Fiveash et al. ("Fiveash") in view of one or more of U.S. Patent No. 5,937,159 issued to Meyers et al. ("Meyers"), U.S. Patent No. 5,983,350 issued to Minear et al. ("Minear"), non-patent document by S. Kent, BBN Corp., "Security Architecture for the Internet Protocol, Request for Comments: 2401," ("RFC 2401"), and non-patent document by S. Kent, BBN Corp., "IP Encapsulating Security Payload (ESP), Request for Comments: 2406," ("RFC 2406"). These rejections are respectfully traversed.

The cancellation of claims 4 and 9, as indicated above, render the rejection of these claims moot.

Claim 1 is amended to include the features recited in claim 4. As amended, claim 1 recites, *inter alia*, an apparatus operable to maintain a security level at a remote host by storing mandatory access control (MAC) information of a communication user when transferring packets through a network among secure operating systems (OSs). Specifically, claim 1 is amended to recite wherein the trusted channel header comprises

"authentication data operable to guarantee an integrity of the encrypted data, an initial vector for the decryption of the encrypted data, a next protocol field for a correct upper protocol processing, a header length for identifying a length of the header, a padding length for indicating a length of padding used for data encryption; and a MAC security class and a MAC category for delivering the MAC information of the user." Applicant respectfully submits that the combined disclosures of the applied art do not teach or suggest all of Applicant's claim limitations and appears to be based upon the improper combination of the applied art.

The Examiner asserts that Fiveash discloses an initial vector area for the decryption of the encrypted data, as now recited in claim 1. Applicant respectfully disagrees. At the cited reference, column 1, lines 46-48, Fiveash appears only to disclose that the receiving host is able to decrypt the data with a key shared with the transmitting host, and that the data has been encrypted with an encryption header. Nowhere does Fiveash disclose, teach or suggest an initial vector, as recited in claim 1.

Furthermore, the Examiner acknowledges that Fiveash fails to disclose a MAC security class and a MAC category, and relies upon Meyers to remedy the deficiency of Fiveash. Applicant respectfully disagrees and submits that the grounds of rejection constitute an improper reconstruction of Applicant's claimed invention. Notwithstanding the lack of explicit or implicit disclosure of all claimed elements in the combined disclosure of Fiveash and Meyers, Applicant respectfully submits that the combination or modification of references can not render the resultant combination obvious unless the prior art also suggest the desirability of the combination.

Notwithstanding any disclosure of a MAC security class and a MAC category, the system of Meyers is a trusted computer system and does not require, and therefore does not disclose providing encrypted channels between operating systems, as recited in claim 1. Applicant respectfully submits that neither Fiveash nor Meyers suggest the desirability of combining their respective teachings to disclose, teach or suggest storing MAC information in a trusted channel header of a packet transmitted between operating systems. It is improper to use the claimed invention as an instruction manual to piece together the teachings of the prior art so that the claimed invention is rendered obvious. The Office Action appears to use improper hindsight reconstruction to pick and choose

among isolated disclosures. Accordingly, it is respectfully submitted that the combination is improper.

Claim 6 recites a method claim based upon the apparatus of claim 1 and includes the subject matter of canceled claim 9. As amended, claim 6 includes the transmission of a trusted channel header comprising a MAC security class field and a MAC category field. Similar to the argument presented above, neither Fiveash nor Meyers disclose this feature.

The Examiner acknowledges, at page 18 of the Office Action, that Fiveash, Meyers, and RFC 2401 fails to disclose a trusted channel header including a 128-bit authorization data field as recited by the Applicant and relies upon RFC 2406 to remedy the deficiencies. Applicant respectfully submits that RFC 2406 appears only to disclose an IP encapsulating security payload format and provides no motivation to combine its teachings with either Fiveash or Meyers to suggest a method of applying a trusted channel between operating systems, as recited in claim 6.

Therefore, Applicant respectfully submits that independent claims 1 and 6 are patentable not only due to the failure of the applied art to disclose, teach or motivate all recited features of the claims, but are also patentable based upon their improper combination.

Claims 2, 3, 5, 7 and 8 depend from these independent claims and are likewise patentable over the applied art for at least their dependence on claims 1 and 6, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

All rejections have been addressed. In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance and favorable reconsideration and prompt allowance of claim 1-3 and 5-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

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paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'Yoon S Ham', is written over the printed name.

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